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JUDICIARY

EXECUTIVE BUDGET BILL

A bill to make appropriations for the judicial branch for the fiscal year ending September 30, 2009; to provide for the expenditure of these appropriations; to place certain restrictions on the expenditure of these appropriations; to prescribe the powers and duties of certain officials and employees; to require certain reports; and to provide for the disposition of fees and other income received by the judicial branch.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

PART 1

LINE-ITEM APPROPRIATIONS

Sec. 101. Subject to the conditions set forth in this bill, the amounts listed in this part are appropriated for the judicial branch for the fiscal year ending September 30, 2009, from the funds indicated in this part. The following is a summary of the appropriations in this part:

JUDICIARY

APPROPRIATION SUMMARY:

Full-time equated exempted positions	490.0	
GROSS APPROPRIATION.....	\$	261,912,700
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers		2,523,500
ADJUSTED GROSS APPROPRIATION.....	\$	259,389,200

1	Federal revenues:	
2	Total federal revenues.....	4,626,400
3	Special revenue funds:	
4	Total local revenues.....	6,093,100
5	Total private revenues.....	842,500
6	Total other state restricted revenues.....	87,893,800
7	State general fund/general purpose.....	\$ 159,933,400
8	Sec. 102. SUPREME COURT	
9	Full-time equated exempted positions243.0	
10	Supreme court administration--97.0 FTE positions.....	\$ 11,014,700
11	Judicial institute--13.0 FTE positions.....	2,676,400
12	State court administrative office--60.0 FTE positions.	11,425,900
13	Judicial information systems--22.0 FTE positions.....	3,187,900
14	Direct trial court automation support--36.0 FTE	
15	positions	6,093,100
16	Foster care review board--12.0 FTE positions.....	1,272,200
17	Community dispute resolution--3.0 FTE positions.....	2,292,700
18	Other federal grants.....	275,000
19	Drug treatment courts.....	<u>4,678,800</u>
20	GROSS APPROPRIATION.....	\$ 42,916,700
21	Appropriated from:	
22	Interdepartmental grant revenues:	
23	IDG from department of community health.....	1,800,000
24	IDG from state police - Michigan justice training fund	300,000
25	Federal revenues:	

1	DOJ, victims assistance programs.....	50,000
2	DOJ, drug court training and evaluation.....	300,000
3	DOT, national highway traffic safety administration...	800,000
4	HHS, access and visitation grant.....	387,000
5	HHS, children's justice grant.....	206,300
6	HHS, court improvement project.....	1,160,000
7	HHS, title IV-D child support program.....	907,700
8	HHS, title IV-E foster care program.....	540,400
9	Other federal grant revenues.....	275,000
10	Special revenue funds:	
11	Local - user fees.....	6,093,100
12	Private.....	169,000
13	Private - interest on lawyers trust accounts.....	232,700
14	Private - state justice institute.....	370,800
15	Community dispute resolution fund.....	2,292,700
16	Law exam fees.....	482,100
17	Drug court fund.....	1,920,500
18	Miscellaneous revenue.....	227,900
19	Justice system fund.....	700,000
20	State court fund.....	339,000
21	State general fund/general purpose.....	\$ 23,362,500
22	Sec. 103. COURT OF APPEALS	
23	Full-time equated exempted positions190.0	
24	Court of appeals operations--190.0 FTE positions.....	\$ <u>19,248,700</u>
25	GROSS APPROPRIATION.....	\$ 19,248,700

1	Appropriated from:	
2	Special revenue funds:	
3	Court filing/motion fees.....	1,958,500
4	Miscellaneous revenue.....	77,800
5	State general fund/general purpose.....	\$ 17,212,400
6	Sec. 104. BRANCHWIDE APPROPRIATIONS	
7	Full-time equated exempted positions	4.0
8	Branchwide appropriations--4.0 FTE positions.....	\$ <u>7,882,800</u>
9	GROSS APPROPRIATION.....	\$ 7,882,800
10	Appropriated from:	
11	State general fund/general purpose.....	\$ 7,882,800
12	Sec. 105. JUSTICES' AND JUDGES' COMPENSATION	
13	Full-time judges positions	621.0
14	Supreme court justices' salaries--7.0 justices.....	\$ 1,152,300
15	Court of appeals judges' salaries--28.0 judges.....	4,240,300
16	District court judges' state base salaries--258.0	
17	judges	23,877,200
18	District court judicial salary standardization.....	11,796,800
19	Probate court judges' state base salaries--103.0	
20	judges	9,627,900
21	Probate court judicial salary standardization.....	4,669,700
22	Circuit court judges' state base salaries--225.0	
23	judges	20,817,200
24	Circuit court judicial salary standardization.....	10,105,000
25	Judges' retirement system defined contributions.....	3,556,700

1	OASI, social security.....	<u>5,353,900</u>
2	GROSS APPROPRIATION.....	\$ 95,197,000
3	Appropriated from:	
4	Special revenue funds:	
5	Court fee fund.....	7,090,200
6	State general fund/general purpose.....	\$ 88,106,800
7	Sec. 106. JUDICIAL AGENCIES	
8	Full-time equated exempted positions	7.0
9	Judicial tenure commission--7.0 FTE positions.....	\$ <u>1,013,700</u>
10	GROSS APPROPRIATION.....	\$ 1,013,700
11	Appropriated from:	
12	State general fund/general purpose.....	\$ 1,013,700
13	Sec. 107. INDIGENT DEFENSE - CRIMINAL	
14	Full-time equated exempted positions	46.0
15	Appellate public defender program--39.0 FTE positions.	\$ 5,081,200
16	Appellate assigned counsel administration--7.0 FTE	
17	positions	<u>890,200</u>
18	GROSS APPROPRIATION.....	\$ 5,971,400
19	Appropriated from:	
20	Interdepartmental grant revenues:	
21	IDG from state police - Michigan justice training fund	423,500
22	Special revenue funds:	
23	Private - interest on lawyers trust accounts.....	70,000
24	Miscellaneous revenue.....	113,100
25	State general fund/general purpose.....	\$ 5,364,800

1	Sec. 108. INDIGENT CIVIL LEGAL ASSISTANCE	
2	Indigent civil legal assistance.....	\$ <u>7,937,000</u>
3	GROSS APPROPRIATION.....	\$ 7,937,000
4	Appropriated from:	
5	Special revenue funds:	
6	State court fund.....	7,937,000
7	State general fund/general purpose.....	\$ 0
8	Sec. 109. TRIAL COURT OPERATIONS	
9	Court equity fund reimbursements.....	\$ 67,430,400
10	Judicial technology improvement fund.....	<u>4,465,000</u>
11	GROSS APPROPRIATION.....	\$ 71,895,400
12	Appropriated from:	
13	Special revenue funds:	
14	Court equity fund.....	50,440,000
15	Judicial technology improvement fund.....	4,465,000
16	State general fund/general purpose.....	\$ 16,990,400
17	Sec. 110. GRANTS AND REIMBURSEMENTS TO LOCAL GOVERNMENT	
18	Drug case-flow program.....	\$ 250,000
19	Drunk driving case-flow program.....	3,000,000
20	Juror compensation reimbursement.....	<u>6,600,000</u>
21	GROSS APPROPRIATION.....	\$ 9,850,000
22	Appropriated from:	
23	Special revenue funds:	
24	Drug fund.....	250,000
25	Drunk driving fund.....	3,000,000

1	Juror compensation fund.....	6,600,000
2	State general fund/general purpose..... \$	0

3 PART 2

4 PROVISIONS CONCERNING APPROPRIATIONS

5 GENERAL SECTIONS

6 Sec. 201. Pursuant to section 30 of article IX of the state
7 constitution of 1963, total state spending from state resources
8 under part 1 for fiscal year 2008-2009 is \$247,827,200.00 and state
9 spending from state resources to be paid to local units of
10 government for fiscal year 2008-2009 is \$123,720,300.00. The
11 itemized statement below identifies appropriations from which
12 spending to local units of government will occur:

13 JUDICIARY

14 SUPREME COURT

15	State court administrative office.....	\$	511,900
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16	Drug treatment courts.....		4,378,800
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17 TRIAL COURT OPERATIONS

18	Court equity fund reimbursements.....	\$	67,430,400
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19	Judicial technology improvement fund.....		4,465,000
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20 JUSTICES' AND JUDGES' COMPENSATION

21	District court judicial salary standardization.....	\$	11,796,800
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22	Probate court judges' state base salaries.....		9,627,900
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23	Probate court judicial salary standardization.....		4,669,700
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24	Circuit court judicial salary standardization.....		10,105,000
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25	Grant to OASI contribution fund, employers share,		
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1	social security	884,800
2	GRANTS AND REIMBURSEMENTS TO LOCAL GOVERNMENT	
3	Drunk driving case-flow program.....	\$ 3,000,000
4	Drug case-flow program.....	250,000
5	Juror compensation reimbursement.....	<u>6,600,000</u>
6	TOTAL.....	\$ 123,720,300

7 Sec. 202. (1) The appropriations authorized under this bill
8 are subject to the management and budget act, 1984 PA 431, MCL
9 18.1101 to 18.1594.

10 (2) Funds appropriated in part 1 to an entity within the
11 judicial branch shall not be expended or transferred to another
12 account without written approval of the authorized agent of the
13 judicial entity. If the authorized agent of the judicial entity
14 notifies the state budget director of its approval of an
15 expenditure or transfer, the state budget director shall
16 immediately make the expenditure or transfer. The authorized
17 judicial entity agent shall be designated by the chief justice of
18 the supreme court.

19 Sec. 203. As used in this bill:

20 (a) "DOJ" means the United States department of justice.

21 (b) "DOT" means the United States department of
22 transportation.

23 (c) "FTE" means full-time equated.

24 (d) "HHS" means the United States department of health and
25 human services.

1 (e) "IDG" means interdepartmental grant.

2 (f) "OASI" means old age survivor's insurance.

3 Sec. 206. (1) In addition to the funds appropriated in part 1,
4 there is appropriated an amount not to exceed \$1,000,000.00 for
5 federal contingency funds.

6 (2) In addition to the funds appropriated in part 1, there is
7 appropriated an amount not to exceed \$500,000.00 for state
8 restricted contingency funds.

9 (3) In addition to the funds appropriated in part 1, there is
10 appropriated an amount not to exceed \$100,000.00 for local
11 contingency funds.

12 (4) In addition to the funds appropriated in part 1, there is
13 appropriated an amount not to exceed \$100,000.00 for private
14 contingency funds.

15 (5) A transfer of contingency funds within the judicial branch
16 under this section shall not be made by the authorized agent of the
17 judicial entity unless approved by both appropriations committees.
18 If the state budget director does not approve contingency fund
19 transfers adopted by both appropriations committees under this
20 section, the state budget director shall notify the appropriations
21 committees of his or her action within 15 days.

22 Sec. 208. The reporting requirements of this bill shall be
23 completed with the approval of, and at the direction of, the
24 supreme court. The judicial branch shall use the Internet to
25 fulfill the reporting requirements of this bill. This may include

1 transmission of reports via electronic mail to the recipients
2 identified for each reporting requirement, or it may include
3 placement of reports on an Internet or Intranet site.

4 Sec. 214. Funds appropriated in part 1 shall not be used for
5 the purchase of foreign goods or services, or both, if
6 competitively priced and of comparable quality American goods or
7 services, or both, are available. Preference shall be given to
8 goods or services, or both, manufactured or provided by Michigan
9 businesses, if they are competitively priced and of comparable
10 quality. In addition, preference shall be given to goods or
11 services, or both, that are manufactured or provided by Michigan
12 businesses owned and operated by veterans, if they are
13 competitively priced and of comparable quality.

14 Sec. 215. (1) Due to the current budgetary problems in this
15 state, out-of-state travel for the fiscal year ending September 30,
16 2009 shall be limited to situations in which 1 or more of the
17 following conditions apply:

18 (a) The travel is required by legal mandate or court order or
19 for law enforcement purposes.

20 (b) The travel is necessary to protect the health or safety of
21 Michigan citizens or visitors or to assist other states in similar
22 circumstances.

23 (c) The travel is necessary to produce budgetary savings or to
24 increase state revenues, including protecting existing federal
25 funds or securing additional federal funds.

1 (d) The travel is necessary to comply with federal
2 requirements.

3 (e) The travel is necessary to secure specialized training for
4 staff that is not available within this state.

5 (f) The travel is financed entirely by federal or nonstate
6 funds.

7 (2) If out-of-state travel is necessary but does not meet 1 or
8 more of the conditions in subsection (1), the chief justice or his
9 or her designee may grant an exception to allow the travel. Any
10 exceptions granted by the chief justice or his or her designee
11 shall be reported on a monthly basis to the senate and house of
12 representatives standing committees on appropriations.

13 (3) Not later than January 1 of each year, the state court
14 administrative office shall prepare a travel report listing all
15 travel by judicial branch employees outside this state in the
16 immediately preceding fiscal year that was funded in whole or in
17 part with funds appropriated in the budget for the judicial branch.
18 The report shall be submitted to the senate and house of
19 representatives standing committees on appropriations, the senate
20 and house fiscal agencies, and the state budget director. The
21 report shall include the following information:

22 (a) The name of each person receiving reimbursement for travel
23 outside this state or whose travel costs were paid by this state.

24 (b) The destination of each travel occurrence.

25 (c) The dates of each travel occurrence.

1 (d) A brief statement of the reason for each travel
2 occurrence.

3 (e) The transportation and related costs of each travel
4 occurrence, including the proportion funded with state general
5 fund/general purpose revenues, the proportion funded with state
6 restricted revenues, the proportion funded with federal revenues,
7 and the proportion funded with other revenues.

8 (f) A total of all out-of-state travel funded for the
9 immediately preceding fiscal year.

10
11 **JUDICIAL BRANCH**

12 Sec. 301. (1) The direct trial court automation support
13 program of the state court administrative office shall recover
14 direct and overhead costs from trial courts by charging for
15 services rendered. The fee shall cover the actual costs incurred to
16 the direct trial court automation support program in providing the
17 service, including development of future versions of case
18 management systems. A report of amounts collected in excess of
19 funds identified as user service charges in part 1 shall be
20 submitted to the state budget director and to the house and senate
21 appropriations subcommittees on judiciary 30 days before
22 expenditure by the direct trial court automation support program.

23 (2) From funds appropriated in part 1, the direct trial court
24 automation support program of the state court administrative office
25 shall provide to the state budget director, the senate and house

1 appropriations committees, and the senate and house fiscal agencies
2 before January 1 of each year, a detailed list of user service
3 charges collected during the immediately preceding state fiscal
4 year.

5 Sec. 302. Funds appropriated within the judicial branch shall
6 not be expended by any component within the judicial branch without
7 the approval of the supreme court.

8 Sec. 303. Of the amount appropriated in part 1 for the
9 judicial branch, \$325,000.00 is allocated for circuit court
10 reimbursement under section 3 of 1978 PA 16, MCL 800.453, and
11 \$186,900.00 is allocated for court of claims reimbursement under
12 section 6413 of the revised judicature act of 1961, 1961 PA 236,
13 MCL 600.6413.

14 Sec. 306. The supreme court and the state court administrative
15 office shall continue to maintain, as a priority, the assisting of
16 local trial courts in improving the collection of judgments.

17 Sec. 308. If sufficient funds are not available from the court
18 fee fund to pay judges' compensation, the difference between the
19 appropriated amount from that fund for judges' compensation and the
20 actual amount available after the amount appropriated for trial
21 court reimbursement is made shall be appropriated from the state
22 general fund for judges' compensation.

23 Sec. 309. (1) From the funds appropriated in part 1 for pilot
24 mental health court programs, with the approval of and at the
25 discretion of the supreme court, the state court administrative

1 office shall work with the department of community health to
2 develop guidelines for the operation and evaluation of pilot mental
3 health courts. Trial courts and local community mental health
4 services programs interested in becoming mental health court pilot
5 sites shall submit a joint application for funding prepared in
6 accordance with guidelines established by the Judiciary and the
7 department of community health. The applications shall include
8 documentation of community needs and a commitment to the program by
9 key stakeholders, including the local courts, law enforcement,
10 prosecutor, defense counsel, and treatment providers.

11 (2) From the funds appropriated in part for pilot mental
12 health court programs, \$100,000.00 shall be used to provide
13 training for mental health court personnel and local law
14 enforcement on mental health issues.

15 Sec. 310. From the funds appropriated in part 1 for drug
16 treatment court programs, with the approval of and at the
17 discretion of the supreme court, the state court administrative
18 office shall evaluate and collect data on the performance of drug
19 treatment court programs. The state court administrative office
20 shall provide an annual review of the performance of drug courts as
21 prescribed in section 1078(6) of the revised judicature act of
22 1961, 1961 PA 236, MCL 600.1078. All of the following apply to that
23 annual review:

1 (a) It shall include measures of the impact of drug court
2 programs in changing offender criminal involvement (recidivism) and
3 substance abuse and in reducing prison admissions.

4 (b) It shall be completed no later than April 1 of each year
5 and shall also be provided to the senate and house appropriations
6 subcommittees on the judiciary, the senate and house fiscal
7 agencies, and the state budget director.

8 (c) The evaluation of a program funded with federal Byrne
9 funds shall be consistent with the requirements contained in the
10 federal Byrne grant for that program.

11 Sec. 311. (1) The funds appropriated in part 1 for drug
12 treatment courts shall be administered by the state court
13 administrative office to operate drug treatment court programs. A
14 drug treatment court shall use all available county and state
15 personnel involved in the disposition of cases including, but not
16 limited to, parole and probation agents, prosecuting attorneys,
17 defense attorneys, and community corrections providers. The funds
18 may be used in connection with other federal, state, and local
19 funding sources.

20 (2) From the funds appropriated in part 1, the chief justice
21 shall allocate sufficient funds for the judicial institute to
22 provide in-state training for those identified in subsection (1),
23 including training for new drug treatment court judges.

1 (3) For drug treatment court grants, consideration for
2 priority may be given to those courts where higher instances of
3 substance abuse cases are filed.

4 (4) The judiciary shall receive \$1,800,000.00 in Byrne formula
5 grant funding as an interdepartmental grant from the department of
6 community health to be used for expansion of drug treatment courts,
7 to assist in avoiding prison bed space growth for nonviolent
8 offenders in collaboration with the department of corrections.

9 Sec. 314. By April 1, the state court administrative office
10 shall provide an update on the impact of Halbert v Michigan, 125 S
11 Ct 2582 (2005), and related cases on the court system during the
12 prior calendar year to the senate and house appropriations
13 subcommittees on judiciary, the senate and house fiscal agencies,
14 and the state budget director.

15 Sec. 317. Funds appropriated in part 1 shall not be used for
16 the permanent assignment of state-owned vehicles to justices or
17 judges or any other judicial branch employee. This section does not
18 preclude the use of state-owned motor pool vehicles for state
19 business in accordance with approved guidelines.

20